

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**UTILITY PATENT APPLICATION TRANSMITTAL**  
 (For new non-provisional applications under 37 CFR § 1.53(b))

19587 U.S. PTO  
10/824091

041404

Atty. Dkt. No:	5760-21200
Inventor(s): Kevin C. Matthews Guido Westenberg Robert C. Anderson Donald J. Stryker	
Title:	Two-tier Backup Mechanism


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CERTIFICATE OF EXPRESS MAIL  
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number: EV 318248723 US  
DATE OF DEPOSIT: April 14, 2004

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P.O. Box 1450  
Alexandria, VA 22313-1450

  
\_\_\_\_\_  
Derrick Brown

|           |                                                                                        |
|-----------|----------------------------------------------------------------------------------------|
| Assignee: | VERITAS Operating Corporation<br>350 Ellis Street<br>Mountain View, CA 94043<br>U.S.A. |
|-----------|----------------------------------------------------------------------------------------|

## Application Elements

1. ☒ Filing Fee

The filing fee is calculated as shown below.

|                                    |    |      |    |            |            |
|------------------------------------|----|------|----|------------|------------|
| Total Claims                       | 31 | -20= | 11 | x \$18.00= | \$198.00   |
| Independent Claims                 | 8  | -3 = | 5  | x \$86.00= | \$430.00   |
| Multiple Dependent Claims          |    |      |    | Fee:       | \$0.00     |
| Basic Fee:                         |    |      |    |            | \$770.00   |
| Assignment Fee                     |    |      |    |            | \$40.00    |
| Sub-Total:                         |    |      |    |            | \$1,438.00 |
| Reduction by 50% for Small Entity: |    |      |    |            | \$0.00     |
| Total:                             |    |      |    |            | \$1,438.00 |

- ☒ The Commissioner is hereby authorized to charge the filing fee and any other fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C., Deposit Account No. 501505/5760-21200/RCK.
2. ☒ Specification  
    31 page(s) of specification; 9 page(s) of claims, 1 page(s) of abstract
3. ☒ Drawings  
    Figure(s) 1-11 on 11 sheet(s)
4. ☒ Oath or Declaration  
    ☒ Newly executed  
    ☐ Copy from a prior application (see 37 C.F.R. § 1.63(d))  
        Deletion of Inventor(s) (in continuation or divisional applications):  
            ☐ Delete the following inventor(s) named in the prior non-provisional application: \_\_\_\_\_  
            ☐ The inventor(s) to be deleted are set forth on a signed sheet attached hereto.

5. ☐ The entire disclosure of the prior application referred to above is considered to be part of the accompanying application and is hereby incorporated by reference herein.
6. ☐ Microfiche Computer Program (Appendix)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- ☐ Computer Readable copy
- ☐ Paper Copy (identical to computer copy)
- ☐ Statement verifying identity of above copies
8. ☒ Assignment Papers
9. Power of Attorney
- ☒ Is attached.
- ☐ The power of attorney appears in the original papers of the prior application.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
10. ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS Citations
11. Amendments
- ☐ A preliminary amendment is enclosed.
- ☐ Cancel in this application claim(s) \_\_\_\_\_ before calculating the filing fee. At least one independent claim is retained for filing purposes.
- ☐ Amend the specification by inserting before the first line the sentence: \_\_\_\_\_.
12. ☒ Return Receipt Postcard
13. Small Entity Status
- ☐ A small entity statement is enclosed.
- ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- ☐ Is no longer claimed.
14. ☐ Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §§ 119(a)-(d)
15. ☐ Petition under 37 C.F.R. § 136 for Extension of Time
16. ☒ Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)

Address all future correspondence to:

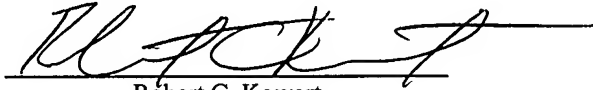
|           |                                                  |
|-----------|--------------------------------------------------|
|           | Robert C. Kowert                                 |
| Customer  | Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. |
| No. 35960 | P.O. Box 398                                     |
|           | Austin, Texas 78767                              |
|           | Phone: (512) 853-8800 Fax: (512) 853-8801        |

Signature

Name

Registration No.

Date

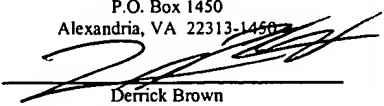


Robert C. Kowert

39,255

April 14, 2004

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                               |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------------|
| <p align="center"><b>CERTIFICATE OF EXPRESS MAIL</b><br/><b>UNDER 37 C.F.R. §1.10</b></p> <p>"Express Mail" mailing label number: EV 318248723 US<br/>DATE OF DEPOSIT: April 14, 2004</p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to:</p> <p align="center">Box Patent Application<br/>Commissioner for Patents<br/>P.O. Box 1450<br/>Alexandria, VA 22313-1450</p> <p align="center"><br/>Derrick Brown</p> | <p><b>REQUEST AND CERTIFICATION</b><br/><b>UNDER</b><br/><b>35 U.S.C. 122(b)(2)(B)(i)</b></p> |                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Atty Docket Number:                                                                           | 5760-21200        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | First Named Inventor:                                                                         | Kevin C. Matthews |
| Title:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Two-tier Backup Mechanism                                                                     |                   |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b)

April 14, 2004

Date

  
Signature

Robert C. Kowert

Typed or printed name

39,255

Reg. No.

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**